

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 8-06-15 (abridged for publication)

Mayor Phillips called the City Council meeting to order at 6:03 p.m. Present at roll call: Tom Greteman, Erika Isley, Kyle Jackson and Jaki Livingston. Absent at roll call: Eric Delker. (RC = roll call vote)

15-134 Isley moved, Greteman seconded, to approve the **agenda** as amended to remove items 8 and 9, concerning a rezoning request. Voice vote carried unanimously.

15-135 Jackson moved, Isley seconded, to approve **minutes** of July 16th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; Utility Advisory Commission **appointment**; **Resolution 0806-15-071** approving contract and bonds for the project known as Norwalk Public Library Roof Replacement; **Resolution 0806-15-072** ordering construction and setting 8/13/15 as date of bid letting for the Colonial Parkway Storm Sewer Improvements and **expenditures**:

ADVENTURE LIGHTING	EQUIPMENT	\$38.00	METRO WASTE AUTH	LG ITEM STICKERS	\$10,117.36
AIRPORT SIGNS & GRAPH	WAKONDA	\$540.00	MICHAEL WILSON	REFUND	\$45.45
BOBS CUSTOM TROPHIES	NAME BADGES	\$136.70	MIDWEST AUTO FIRE	FIRE STATION	\$550.00
BOUND TREE MEDICAL	EQUIPMENT	\$100.00	MIKE MYER SERVICES	NUSIANCE ORDER	\$120.00
CAPITAL CITY EQUIP	REPAIR KUBOTA	\$948.34	MUNICIPAL SUPPLY	CAPITAL IMPROVE	\$3,158.10
CAPITAL SANITARY SUP	SUPPLIES	\$618.49	MURPHY TRACT & EQUIP	JOHN DEERE	\$2,023.39
CARPENTER UNIFORM	UNIF ALLOW	\$1,852.79	N WARREN TOWN & CTY	PUBLICATION	\$104.27
CENTRAL SALT	STREET SUPPLIES	\$19,508.36	NORWALK RUN CLUB	TRIATHLON CLUB	\$458.05
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DES MOINES IRON	EQUIPMENT	\$684.86	PITNEY BOWES	RENT/LEASE	\$114.00
ELECT ENGINEER & EQUIP	EQUIPMENT	\$917.82	PLUMB SUPPLY	FIRESTATION	\$1,039.68
EMS PROFESSIONALS	SUPPLIES	\$140.16	POOL TECH	POOL SUPPLIES	\$1,899.71
FEH ASSOCIATES	FIRE STATION	\$564.00	RANKIN COMM SYS	PHONE REPAIRS	\$461.55
G & L CLOTHING	CLOTH ALLOW	\$1,551.45	REAMS SPRINKLER SUP	NURSERY SUPPLIES	\$377.78
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MENARDS	EQUIPMENT	\$148.64	SHOODMAN CONTROLS	BUILDING REPAIR	\$290.00
MENARDS	EQUIPMENT	\$2,182.38			

15-136 Motion by Greteman, Jackson seconded, to approve **consent** agenda passed unanimously, RC.

15-137 Motion by Greteman, Jackson seconded, to **table** consideration of proposed ordinance approving Farms of Holland PUD passed unanimously, RC.

15-138 Motion by Livingston, Isley seconded, to adopt **Resolution 0806-15-066** approving the request from BLK Investments, LLC for the preliminary plat of Old School Plat 2 passed unanimously, RC.

15-139 Motion by Greteman, Jackson seconded, to adopt **Resolution 0806-15-067** approving the request from Norwalk Land Col, LLC for the preliminary plat of Orchard View Plat 3 passed 3 to 1 with Livingston voting against, RC.

15-140 Motion by Greteman, Livingston seconded, to adopt **Resolution 0806-15-068** approving the Warrior Run Estates Plat 1 final plat passed unanimously, RC.

15-141 Motion by Livingston, Greteman seconded, to adopt **Resolution 0806-15-069** authorizing the City of Norwalk to enter into an agreement with UltraGreen to convert the Public Works facility, Public Safety building and City Hall to LED lighting passed unanimously, RC.

15-142 Motion by Livingston, Isley seconded, to adopt **Resolution 0806-15-070** authorizing the City of Norwalk to enter into an agreement with MidAmerican Energy to convert the street lights to LED lighting passed unanimously, RC.

15-143 Motion by Greteman, Jackson seconded, to **table** consideration of a paving requirement extension for Betterlife Enterprises, LLC d/b/a Outskirtz passed unanimously, RC.

15-144 Motion by Greteman, Jackson seconded, to enter closed session pursuant to Chapter 21.5.1(j) of the Code of Iowa to discuss the potential acquisition of real estate passed unanimously, RC.

15-145 Isley moved, Greteman seconded, to **adjourn** meeting at 8:14 p.m. Voice vote carried unanimously.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk

MINUTES OF THE REGULAR NORWALK CITY COUNCIL MEETING ON 8-06-15
(unabridged version)

Mayor Phillips called the City Council meeting to order at 6:02 p.m. Present at roll call: Tom Greteman, Kyle Jackson, Erika Isley and Jaki Livingston. Absent at roll call: Eric Delker. (RC = roll call vote)

Staff present included: Marketa Oliver, City Manager; Jodi Eddleman, City Clerk; Tim Hoskins, Public Works Director; Dustin Huston, Fire Chief; Greg Staples, Police Chief; Wade Wagoner, Planning and Economic Development Director and Luke Parris, City Planner.

Mayor Phillips announced items 8 and 9, concerning a rezoning request, are removed from this agenda.

15-134 Isley moved, Greteman seconded, to approve the **agenda** as amended. Voice vote carried unanimously.

Presentation(s)

There were none.

Welcome of Guests and Public Comment

With no one present wishing to speak, Mayor Phillips opened the business portion of the meeting.

15-135 Jackson moved, Isley seconded, to approve **minutes** of the July 16th regular council meeting. Voice vote carried unanimously.

Consent included **tax abatement** applications; Utility Advisory Commission **appointment**; **Resolution 0806-15-071** approving contract and bonds for the project known as Norwalk Public Library Roof Replacement; **Resolution 0806-15-072** ordering construction and setting 8/12/15 as date of bid letting for the Colonial Parkway Storm Sewer Improvements and **expenditures**:

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15-136 Motion by Greteman, Jackson seconded, to approve **consent** agenda passed unanimously, RC.

Farms of Holland PUD

Phillips noted that there is a request for change in the wording under parcel number 2. It states, "It is the intent that the project will be a low density, townhome villa product and all units will be marketed individually as a part of a for sale community." Dougherty explained that he had revised the proposed ordinance after the last council meeting per suggested wording; but the representatives from Holland were not comfortable with it and brought this change forward.

Greteman asked council to confirm that the intent of the last conversation was that they wanted assurance that these villas would be built, marketed and sold as single family units; but if someone buys one and gets fired from his job and has to move and can't sell his villa, he has the right to rent it to someone in the interim. He further asked the representative present, Craig King, if he is 100% comfortable that this language in the PUD would give him the ability to look at a rental buyer and tell him he cannot buy this property for that purpose. King answered that no broker representing a seller vets the buyer.

Greteman then asked King if this was his suggested language. King said it came from Bob Stuyvesant, the Holland's attorney. He said that he is concerned that the restriction would put an encumbrance on a private property owner. Greteman stated that a PUD puts encumbrances on land, that is what it does and he wants to make certain that someone is not able to build a rental community in this proposed PUD area.

Greteman asked Dougherty if this new language gives the city the teeth needed to prevent something like that. Dougherty said if the developer is

planning to build three-car garage, villas on the property, we could put that requirement language in the PUD.

King said if a plan comes to the city, like the rental units development that Greteman is referencing, the council can reject it at that time. Livingston said she respects and appreciates King's intent, but the PUD language does not give the city teeth to enforce the agreed upon intent.

Greteman said the purpose of a PUD is to overlay zoning over the top of the city's zoning requirements; and if you want us to rezone this ground from commercial to residential, we want some protection written in regarding the type of residential development that can be built. King suggested tabling the item.

Greteman then said he also wants to make sure there is no misunderstanding about the timing of the road, that it will not be constructed prior to commercial development. King confirmed there has never been any guarantee about the road.

15-137 Motion by Greteman, Jackson seconded, to **table** consideration of proposed ordinance approving Farms of Holland PUD passed unanimously, RC.

Dougherty mentioned that the wording that was added is the wording he said would be added in at the last meeting, per council and King's discussion as to what would be agreeable. He added that he failed to understand that the direction was for him to get together with people involved to further negotiate the language prior to this meeting. Livingston asked if he would reach out to the Holland's attorney to meet with him about this prior to the next council meeting and Dougherty agreed to do that. King asked to be present at that meeting and Oliver suggested Wagoner also be included.

Old School Plat 2 – preliminary plat

Parris presented the preliminary plat for consideration, with recommendation from Planning and Zoning. He explained that 25% of the park requirement can be satisfied by Outlot Z and the rest would be through payment in lieu of land. He also pointed out that engineers have reviewed and determined that off site storm water retention is not required.

15-138 Motion by Livingston, Isley seconded, to adopt **Resolution 0806-15-066** approving the request from BLK Investments, LLC for the preliminary plat of Old School Plat 2 passed unanimously, RC.

Orchard View Plat 3 – preliminary plat

Parris presented the preliminary plat for consideration, with recommendation for approval from Planning and Zoning.

Livingston asked when the road would be connected all the way through. Paul Clausen, Civil Engineering Associates, said Braeburn is going to "T" at Orchard Hills Drive. Greteman asked if this is being platted all the way to Wright Road. Parris said no, this plat goes to the back lot line of the existing townhouses facing Wright Road. Hoskins added that portion was part of a previous plat.

Greteman said if we let the developer plat within 150 feet of Wright Road, who is going to continue Orchard Hills Drive the rest of the way to Wright Road. Mayor answered the city. Greteman asked if the city is ready to do that. Oliver said it is not in the FY 15-16 budget.

Livingston said she would like to know what preliminary plats are pending in this area and see them all at once to have a better understanding of what is going on.

Clausen explained that there are three plats along Orchard Hills Drive with plat 1 farthest north and this plat 3 being at the south end. Isley asked where the development will start from and Clausen said the north. Jackson asked what the timeframe is for this to be built out.

Dougherty asked if this was part of the Orchard Hills PUD and Parris said yes. Greteman followed up stating the issue is that this developer does not own the last 100 or so feet. Phillips said this section is part of the development of the townhomes on Wright Road. Livingston said she would like to know if the council at that time agreed to the city finishing this section of the road or if the developer was supposed to and did not follow through.

Hoskins said the city owns the right-of-way and infrastructure is already there.

15-139 Motion by Greteman, Jackson seconded, to adopt **Resolution 0806-15-067** approving the request from Norwalk Land Co, LLC for the preliminary plat of Orchard View Plat 3 passed 3 to 1 with Livingston voting against, RC.

Warrior Run Estates Plat 1 – final plat

Parris presented the final plat for the first phase of Warrior Run. It includes 29 single family lots and the outlots will need to be re-platted before it would be developed. Greteman expressed concern about the straw in that area accumulating at the storm drains. Clausen said it will be cleaned up tomorrow.

15-140 Motion by Greteman, Livingston seconded, to adopt **Resolution 0806-15-068** approving the Warrior Run Estates Plat 1 final plat passed unanimously, RC.

Ultra Green Lighting

Isley said as long as the MidAmerican rebates are verifiable, she is comfortable with approving this. Oliver noted that will be the first step of the process and if the rebates are not what they suggested the city is under no obligation.

15-141 Motion by Livingston, Greteman seconded, to adopt **Resolution 0806-15-069** authorizing the City of Norwalk to enter into an agreement with UltraGreen to convert the Public Works facility, Public Safety building and City Hall to LED lighting passed unanimously, RC.

MidAmerican Energy LED lighting

Hoskins reported that MidAmerican will continue to replace, at no charge, current street lights with the new LED's as the high pressure sodiums fail. At this rate MidAmerican said they will all be replaced by attrition in a 10 year window and realistically within 5-6 years.

He said they are offering an option for the city to also select specific street lights to be changed out right away, at a cost of \$100 per fixture, to expedite this process. Hoskins said there are some lights in the system of a higher wattage that it would be beneficial for us to do those right away.

Greteman asked how much needs to be budgeted for this and Hoskins said it would be accommodated within the operating budget for maintenance and replacement.

Jackson asked if the light changes. Hoskins said it is a different kind of light allowing for truer colors and less light in the sky. Staples added that it is lighter and brighter; if you travel High Road to Bristol, you can tell the difference between the High Pressure Sodium lights and the new LED lights.

15-142 Motion by Livingston, Isley seconded, to adopt **Resolution 0806-15-070** authorizing the City of Norwalk to enter into an agreement with MidAmerican Energy to convert the street lights to LED lighting passed unanimously, RC.

Outskirtz paving request

Oliver stated that she received a call from the owners, shortly before this meeting, asking to modify their request for a two year extension to pave the parking lot. The revised request is to waive the paving of six spaces upon completion of paving and marking twenty acceptable spaces at this time. Joyce Webb, co-owner of Outskirtz, said they have hard surface parking in place as of this afternoon; asphalt is down but not yet marked. Livingston asked

where and Webb answered it is on the south side of the building, along the split rail fence that was put up.

Parris said when he talked with Tony Webb this afternoon, and told him that he would need to submit a site plan, he was unaware the parking lot was being poured this afternoon.

Isley asked if a paving permit was obtained. Webb said she was told they do not need a paving permit. Parris said the owner was instructed that a site plan is required.

Greteman said the city needs to verify the new pavement meets City Code; if we don't want to waive the additional six spaces, we would want to extend the time a little.

Livingston inquired about the other name listed on this item. Dougherty explained that when a property is purchased on contract the seller retains title until contract is satisfied; so for an agreement on the extension, he would want Vanessa Devine to sign in addition to the Webbs.

Oliver asked Wagoner to have the building inspector on site first thing in the morning.

15-143 Motion by Greteman, Jackson seconded, to **table** consideration of a paving requirement extension for Betterlife Enterprises, LLC d/b/a Outskirtz passed unanimously, RC.

NCIS Update

Hoskins reported that Holly Drive is progressing regardless of recent weather. The storm sewer was finished today and the subgrade for street could happen as soon as next week.

Hoskins updated the council on Wakonda. Curb and gutter is going in right now; but sanitary sewer progress is dismal at best. The deadline is October 31st. Livingston asked why we do not call the bonding company now. Jeff Schug, McClure Engineering, said we can call the bond company and put them on notice, but that does not necessarily speed them up.

Livingston called for steps to be taken. Schug said he has called every contractor in the area who puts in sewer asking them to make a proposal to this contractor.

Greteman spoke to remind Schug that when Schug originally presented this contract, Greteman raised concerns about the contractor and Schug told Greteman that Schug had vetted the contractor and it would be good.

Schug said the subcontractor hired to do the underground had pulled out. He assured council that we are on them every day; looking for alternatives; pursuing every angle; and intend to meet the original deadline.

Hoskins informed council that Happy Hollow is ready for final seeding next week.

Reports

Isley requested clarification why we require permits and plans for residential driveways and not commercial driveways. Isley also asked for an update on the rental inspection process due to complaints received from residents. Huston noted there is an update each month in the department reports; but he can provide her with additional information as requested. She asked for a list of names for those completed.

Jackson said dredging at Lakewood is underway and has heard great comments from resident about the city helping with the coordination of this.

Staples said there is something called the National Law Enforcement Challenge Award Program. It is a free to register competition for efforts and policies on overall traffic safety awareness in the police department. Norwalk placed 3rd in the nation.

Huston said he received the DNR grant back and the building improvements are almost complete. They are planning an open house for the people that donated time and material by the end of the month.

Kuehl said Jazz in July was very successful; estimated 250 people in attendance. Phillips said he would like to see it in Norwalk again.

Greteman commented that he thought Wade and Luke are doing a great job.

Phillips noted the pictures in the Council chambers and in the hallway.

15-144 Motion by Greteman, Jackson seconded, to enter closed session pursuant to Chapter 21.5.1(j) of the Code of Iowa to discuss the potential acquisition of real estate passed unanimously, RC.

15-145 Greteman moved, Livingston seconded, to **adjourn** meeting at 8:14 p.m. Voice vote carried unanimously.

Tom Phillips, Mayor

Attest:

Jodi Eddleman, City Clerk